

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

LUCKEN, *et al.*,

Defendants.

Case No. 1:21-cv-00702-JLT-BAM (PC)

ORDER GRANTING PLAINTIFF'S MOTION
TO QUASH/RESCIND ORDER OF WRIT OF
HABEAS CORPUS AD TESTIFICANDUM
(ECF No. 59)

ORDER VACATING JUNE 3, 2024 IN-
PERSON SETTLEMENT CONFERENCE
AND WRIT OF HABEAS CORPUS AD
TESTIFICANDUM DIRECTING
PRODUCTION OF INMATE KING MWASI,
CDCR #T-02518
(ECF No. 58)

ORDER DIRECTING CLERK'S OFFICE TO
SERVE ORDER BY E-MAIL ON
LITIGATION COORDINATOR

On May 3, 2024, the Court issued a writ of habeas corpus ad testificandum directing the production of Plaintiff King Mwasi, CDCR #T-02518, for an in-person settlement conference on June 3, 2024, at Corcoran State Prison. (ECF No. 58.)

On May 13, 2024, Plaintiff filed a motion to quash/rescind the writ and requesting that the settlement conference be conducted via video conference. (ECF No. 59.) Plaintiff requests to appear by video conference because he is awaiting outside medical appointments with various

specialists, and due to waiting lists, if he misses an appointment he will be returned to the bottom of the list, causing a delay in treatment. Plaintiff also has other legal cases with deadlines and appearances, and transport to another prison would severely impact his litigation because he would be without his files and would be displaced for an unpredictable period for a one-day settlement conference. Plaintiff's criminal case is also back in trial, with regular hearings by video. Plaintiff's next hearing in his criminal case is in two weeks, and he must participate. (*Id.*)

Defendants have not yet had the opportunity to respond to Plaintiff's motion, but the Court finds that a response is unnecessary. The motion is deemed submitted. Local Rule 230(l).

Based on Plaintiff's motion, the Court finds it appropriate to vacate the June 3, 2024 in-person settlement conference and the transportation writ for Plaintiff. The Court will reset the settlement conference, with the parties appearing by video, by separate order.

Accordingly, it is HEREBY ORDERED that:

1. Plaintiff's motion to quash/rescind order and writ of habeas corpus ad testificandum, (ECF No. 59), is GRANTED;
2. The in-person settlement conference set before Magistrate Judge Christopher D. Baker on June 3, 2024 at 8:30 a.m. is VACATED;
3. The writ of habeas corpus ad testificandum directing the production of King Mwasi, CDCR #T-02518, issued on May 3, 2024, (ECF No. 58), is VACATED; and
4. The Clerk's Office shall serve a courtesy copy of this order by e-mail on the Litigation Coordinator at San Quentin State Prison.

IT IS SO ORDERED.

Dated: May 15, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE